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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CYNTHIA MCMAHON, on behalf of
herself, all others similarly situated,
Plaintiff,

v.
TUESDAY MORNING, INC., a Texas
corporation; and DOES 1-50, inclusive,
Defendants.

CASE NO. 3:14-cv-05547 (EMC)

(Removed from Contra Costa Superior
Court Case No. C-14-02113)

**JOINT STIPULATION AND
[PROPOSED] ORDER PURSUANT TO
THE APRIL 7, 2016 CASE
MANAGEMENT CONFERENCE AND
THE APRIL 8, 2016 CIVIL MINUTES**

In accordance with the Court's instructions at the April 7, 2016 Case Management Conference ("April 7 CMC") and its Civil Minutes Order, dated April 8, 2016 ("April 8 Civil Minutes"), Plaintiff Cynthia McMahon ("Plaintiff") and Defendant Tuesday Morning, Inc. ("Tuesday Morning" or "Defendant") (collectively, the "Parties"), by and through their undersigned counsel, submit this JOINT STIPULATION:

Following the April 7 CMC, Defendant took Plaintiff's deposition on April 11, 2016. Notwithstanding Defendant's position that Plaintiff has established no basis to request any names or contact information for members of the putative class, pursuant to the Court's direction at the April 7 CMC and its April 8 Civil Minutes, the Parties met and conferred extensively regarding the possible production—pursuant to the *Belaire-West* opt-out process—of a subset of names and

1 contact information for members of the putative class. The Parties further met and conferred
2 regarding a proposed class certification briefing schedule.

3 As the Parties indicated at the April 7 CMC, the Parties made progress towards resolving
4 this case during a full-day mediation session with Jeffrey A. Ross on March 3, 2016. While the
5 case did not settle at mediation, the Parties have continued those discussions over the last several
6 weeks. With the Court's encouragement at the April 7 CMC and in its April 8, 2016 Civil
7 Minutes, the Parties have continued their post-mediation discussions over the past week, both
8 directly and through the auspices of Mediator Ross. At this time, the Parties believe it is in their
9 mutual best interests to devote themselves and their resources over the next thirty (30) days—
10 through and including May 13, 2016—to determine if they can resolve this case without
11 incurring additional litigation costs and without imposing on the Court's time. The Parties also
12 believe that during this thirty (30) day period, it would be beneficial for discovery to be stayed
13 and to avoid discovery motion practice so that they may focus on attempting resolution of the
14 case.

15 If the Parties are unable to report to the Court by May 13, 2016 that they have reached an
16 agreement in principle, the Parties intend to submit by May 20, 2016, consistent with the Court's
17 April 8 Civil Minutes, a joint letter addressing the putative class list issue and proposing a
18 schedule through class certification briefing for the Court to consider.

19
20 Dated: April 14, 2016

21 SETAREH LAW GROUP

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Dated: April 14, 2016

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By: /s/ Gary D. Friedman

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Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of
this document has been obtained from each of the above signatories.

/s/ Gary D. Friedman
GARY D. FRIEDMAN

CASE MANAGEMENT ORDER

The above **JOINT STIPULATION PURSUANT TO THE APRIL 7, 2016 CASE MANAGEMENT CONFERENCE AND THE APRIL 8, 2016 CIVIL MINUTES** is approved and all Parties shall comply with its provisions.

~~[In addition, the Court makes the further orders stated below:]~~

Further CMC is set for June 9, 2016 at 10:30 a.m. An updated joint CMC statement shall be filed by June 2, 2016.
IT IS SO ORDERED.

Dated: April 19, 2016

